

REMARKS/ARGUMENTS

This is a preliminary amendment in a RCE Application. The Office Action mailed August 11, 2003 has been carefully reviewed. Reconsideration of this application, as amended and in view of the following remarks, is respectfully requested. The claims presented for examination are: claims 11-16. Claims 1-10 stand "withdrawn" as directed to a non-elected group.

35 USC 102(b) Rejection

In numbered paragraph 2 of the Office Action mailed August 11, 2003, claims 11-16 were rejected under 35 USC 102 (b) as allegedly being anticipated the Lum et al reference (U.S. Patent No. 5,932,315).

Response to 35 USC 102(b) Rejection

Applicant respectfully submits that the Lum et al reference does not show the structural elements of amended claims 11-16 now presented for examination. For example, the Lum et al reference does not show "an annealed microchannel in an annealed substrate covering an etched microchannel in an etched substrate wherein the etched microchannel and the annealed microchannel comprise a sealed microchannel" of amended claims 11-16.

The annealed microchannel of amended claims 11-16 is not the "microgroove 10" (See col. 3, lines 50-51) of the Lum et al reference. As described in Applicants specification, in paragraph [0020], "the glass in fused device 14, composed of substrate 10 and cover or top plate 12, softens, increasing diffusion rates. When held at temperatures for a long enough time (2 to 24 hrs.), the microchannel cross-section will eventually become circular to lower its overall surface energy. This results in an end product or glass device 14 having a circular microchannel 15, sealed therein, as shown in Figure 3."

In addition, the Lum et al reference does not show "an annealed microchannel depth of about 10 μm and a width of about 20 μm " or "a high temperature annealed microchannel annealed in the 600° to 800° range" of amended claims 11-16."

As stated in Verdegaal Bros. v. Union Oil Co. of California, 814 F.2nd 628, 631 USPQ 1051, 1053 (Fed. Cir. 1987), "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." Since the structural elements of amended claims 11-16 now presented for examination are not shown by the Lum et al reference, the rejection is unsupported by the art and should be withdrawn.

SUMMARY

The undersigned respectfully submits that, in view of the foregoing amendments and the foregoing remarks, the rejections of the claims raised in the Office Action dated August 11, 2003 have been fully addressed and overcome, and the present application is believed to be in condition for allowance. It is respectfully requested that this application be reconsidered, that the claims be allowed, and that this case be passed to issue. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to call the undersigned attorney at (925) 424-6897.

Respectfully submitted,



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